

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/708,807

Applicant : Christopher A. Tokarz, et al. Confirmation No. 2806

Filed : March 26, 2004

TC/A.U. : 1742

Examiner : Yee, Deborah

Docket No. : 018300-001349

Customer No. : 24,239

Title : Thermomechanical Processing Routes
in Compact Strip Production of
High-Strength Low-Alloy Steel

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SECOND DECLARATION OF CHRISTOPHER A. TOKARZ
UNDER 37 C.F.R. § 1.132**

Sir:

I, Christopher A. Tokarz, declare as follows:

1. I completed a previous declaration in respect of the above-referenced application, entitled Declaration of Christopher A. Tokarz Under 37 C.F.R. § 1.132 and dated April 26, 2004 (hereinafter “First Declaration”).

2. This Declaration supplements my First Declaration.

3. American Cast Iron Pipe Company (ACIPCO) was Nucor’s customer for line pipe steel and became a partner in development by ordering material produced in experimental trials by Nucor and providing feedback on the performance of the

experimental prototypes.

4. Nucor disclosed to ACIPCO the general idea behind the experimental method of eliminating deformation of steel at certain roll stands in Nucor's hot mill. Under an oral confidentiality agreement between Nucor and ACIPCO and ACIPCO's standard practice in dealings with Nucor, ACIPCO kept this information confidential.

5. Nucor and ACIPCO have a close and longstanding professional relationship.

6. I communicated to ACIPCO that the steel provided by Nucor was made with an experimental method.

7. Nucor had expectations and knowledge of what tests would be performed by ACIPCO, and ACIPCO provided results of the tests to Nucor.

8. ACIPCO disposed of the pilings and line pipe products made with the prototype coils by sales to its customers. Purchasers of any experimental prototype steel coils from ACIPCO or directly from Nucor are highly unlikely to have found out about its novel and confidential method of manufacture, as this cannot be identified by inspection of the steel.

9. Upon further review of records at Nucor, I hereby revise paragraph 17 of my First Declaration to read as follows:

17. As an example of the experimental nature of the steel, Nucor produced experimental prototype high-strength low-alloy steel coils intended to conform to API 5L X42 on or about May 1, 2001. Stands F4, F3 & F4, and F4 & F5 were dummied in separate runs and at different thicknesses. This experimental steel was sold prior to the Critical Date.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

This 26 day of February, 2007.



Christopher A. Tokarz